The Real Deal on Appeals

Impress your property owners and board members with your knowledge of the appeals procedure.

Make the process work for you, not against you.



Conducted by:

David Gordon

&

Stacy Bush



The Appeals Process

Don't be afraid of the appeals process. It can be your friend. When a taxpayer appeals an assessment, you can:

- ✓ Have more time to review your assessment of the property.
- ✓ Show the property owner that you are protecting his or her rights.
- ✓ Impress upon the local board and property owners your knowledge of the appeal procedure.



Where is the appeal procedure found?

KRS 133.120 Appeal Procedure



So what is the first step in an appeal?

A conference must be held with the PVA
Office during or prior to the Inspection Period.



So what is the first step in an appeal?

PVA or deputy must explain the reasons for the change in assessment (100% fair cash value), and how the assessment was determined.



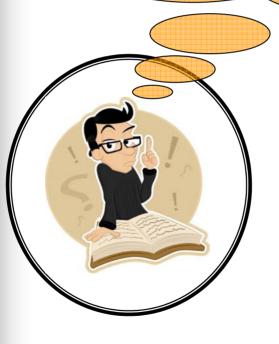
So what is the first step in an appeal?

During the conference a written record must be kept that includes, but is not limited to:

- the initial assessed value;
- the taxpayer's claimed value;
- an explanation of changes offered or agreed to by each party; and
- ☐ a brief description of the outcome.



Can the conference be held by telephone?







Who (besides the owner) can ask for a conference?

And how does the PVA know that person is qualified to represent the owner?

The statutes do not list qualifications for anyone who does NOT receive compensation for representing the owner.

In this situation, the PVA Office should be assured the representative has the owner's permission by personal knowledge, written authorization, or a phone call to or from the owner.



Who (besides the owner) can ask for a conference?

And how does the PVA know that person is qualified to represent the owner?

The PVA should be given written authorization from the owner stating the representative's qualifications and it should disclose any personal or private interest of the representative, including any contingency fee arrangements.



Who (besides the owner) can ask for a conference?

And how does the PVA know that person is qualified to represent the owner?

The representative should be:

- an attorney;
- a certified real estate broker;
- a certified public accountant (CPA);
- a Kentucky licensed real estate broker;
- an employee of the property owner; or
- any other individual possessing a professional appraisal designation recognized by the Department of Revenue



What does the property owner do if he or she is not pleased with the outcome of the conference

After the conference is held, the owner may file an appeal to the local board of assessment appeals.



How is the appeal filed and what should it say



It should be filed in person or by letter with the county clerk's office and filed no later than one workday after the last day of the Inspection Period.



The appeal should contain:

1. The reason(s) for the appeal;

2. The identity of the property for which the appeal is being filed; and

3. The owner's opinion of the Fair Cash Value of the property.



Other than the property owner, who may file an appeal?

- the county judge/executive;
- the mayor of any city using the PVA assessments; or
- the superintendent of any school district where the property is located.



What is the deadline to file an appeal?

All appeals should be filed no later than one work day following the close of the Inspection Period. If the board of assessment appeals determines the assessment should be increased, notice must be given to the owner and a hearing date set.



Can a property owner file an appeal against another property owner?

Yes he can. If an owner has listed his own property at its fair cash value, the owner may ask the board of assessment appeals to review assessments of other properties he believes to be assessed at less than fair cash value, if:



Can a property owner file an appeal against another property owner?

- the request is in writing;
- it specifies the properties to be reviewed; and
- it gives factual information upon which his request is based.



Can a property owner file an appeal against another property owner?

It also must be filed no later than one work day following the close of the Inspection Period.

The owner cannot request a blanket review of properties.

The Board of Assessment Appeals

What is the property owner like?

and the PVA Office present factual evidence and other documentation justifying each estimate of fair cash value. The Department of Revenue can present into evidence any information that pertains to the appeal. Taxpayers can make audio

recordings of the hearing. The PVA can also make a recording, but only if prior written notice is given to the taxpayer.

information can the owner present?

The evidence may include, but is not limited to:

Insurance policies

Cost of construction

Real estate sales listings and contracts

Physical characteristics of land and improvements

information can the owner present?

The evidence may include, but is not limited to:

Income/expense statements for commercial properties

Loans or mortgages

Recent appraisals (within the past two years)

Can the **Board** of **Appeals** consider information given to it at any time?

> canno t.

The board should only hear evidence presented to it during the scheduled hearing.

of Assessment Appeals

Who can be on the local board of assessment appeals and The wood on the charge of reputable property owners residing in the county at least five (5) years. Qualified property owners from an adjacent county may be appointed when members cannot be secured within the county.

Who can be on the local board of assessment appeals and The board pagis therterm members. each serving a three-year term, and ✓ One to be appointed as follows inty judge/executive: onted by the fiscal court: and appointed by the mayor of the city with the largest assessment using the county tax roll. If no city uses the county assessment, the county judge/executive shall appoint two (2) members.

urban-county government, the members may be appointed as provided by the comprehensive plan member who has of that county. served a full term is not eligible for reappointment until three (3) years have passed.

should the board

member should have

extensive knowledge of real estate values. This can be done through:

Real estate
Sales

Managemen
t

Construction Financin q

Real estate appraisals



The first day the board meets should be devoted to:

An orientation and training program by the Department of Revenue (PVA).

An inspection of the properties when the board believes this will help to determine the fair cash value.

A review of the appeals to be heard, including a review of recent sales of comparable propertions

A review of the assessment of the PVA and PVA deputies.

The board reviews the assessments of the PVA and the PVA staff.

It hears property appeals brought to it and makes a decision on the estimated fair cash value of the property.

inspects the property if requested to do so by the property owner.

The board does not conduct a blanket review of properties.

The Real Deal on Appeals

Impress your property owners and board members with your knowledge of the appeals procedure.

Make the process work for you, not against you.